

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 3603

IN THE MATTER OF:

Served January 18, 1991

Application of DIPLOMAT LIMOUSINE )  
AND LIVERY SERVICE, INC., for )  
Temporary Authority )

Case No. AP-91-03

By application filed January 14, 1991, Diplomat Limousine and Livery Service, Inc. (Diplomat or applicant), seeks temporary authority to transport passengers, together with mail, express, and baggage in the same vehicles as passengers, between specified points in the Metropolitan District for the account of the United States Environmental Protection Agency.

Diplomat proposes to conduct six shuttle operations as follows: (1) between Makemie and K Streets, S.W., Washington, DC, L'Enfant Plaza, Washington, DC (discharge only), and Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA; (2) between Makemie and K Streets, S.W., Washington, DC, Fairchild Building, 499 South Capitol Street, S.W., Washington, DC, and Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA; (3) between Fairchild Building, 499 South Capitol Street, S.W., Washington, DC, and Headquarters, Wesley and K Streets, S.W., Washington, DC; (4) between Fairchild Building, 499 South Capitol Street, S.W., Washington, DC, Makemie and K Streets, S.W., Washington, DC, and United States Department of Transportation, 7th and D Streets, S.W., Washington, DC; (5) between 2805 Jefferson Davis Highway, Arlington, VA, and Crystal Mall #2, Arlington, VA; 1/ and (6) between Waterside Mall, Washington, DC and 2805 Jefferson Davis Highway, Arlington, VA. 2/ Service would be provided using six vehicles, each having a manufacturer's designed seating capacity of 28 persons, including the driver, and equipped with two-way radio communication system, flash light flares, reflective triangles, fire extinguisher, and first aid kit; each vehicle will have an entry door at least 30 inches wide. 3/ All transportation will be scheduled shuttle service offered Monday through Friday, except federal holidays. Each schedule is tailored to the route to be served; however, service would begin as early as 6:20 a.m. and end as late as 6:33 p.m.

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1/ To the extent this application purports to apply to transportation solely within the Commonwealth of Virginia, it is hereby dismissed for want of jurisdiction.

2/ The application is unclear as to whether any intermediate stops on route between these points is intended.

3/ The application refers to the vehicles as "[t]he requirement of NIH . . . ." It is assumed this is an error, and applicant will be directed to rectify it.

Diplomat proposes to charge EPA \$34.88 an hour for the service. For the period February 1, 1991, through September 30, 1991, 4/ Diplomat projects revenues of \$679,390 and concomitant expenses of \$617,627. 5/

In support of the application, Diplomat states (1) that EPA requires the proposed service and (2) that the Small Business Administration has chosen Diplomat to perform the required service. Diplomat would be replacing a WMATC-authorized carrier with a long-term contract that expires January 31, 1991. EPA's representative submitted a notarized letter dated January 4, 1991, describing the proposed service, confirming the need for a replacement carrier and estimating that approximately 150 persons a day will be transported during the period for which applicant projects revenues. EPA's representative attests that the qualifications of Diplomat have been investigated and a determination made that Diplomat is responsible and has the ability successfully to perform the required service.

The standards for temporary authority are set forth in the Compact, Title II, Article XII, Section 4(d)(3). The essential elements are (1) an immediate and urgent need for service, (2) no other carrier capable of meeting such need, and (3) fitness of the applicant. This order will provide notice of Diplomat's application, and a brief period will be established for the filing of protests, if any. Each protest must contain all evidence and argument upon which protestant would rely. No extensions of time will be granted. The application is available for inspection at the office of the Commission during regular business hours.

THEREFORE, IT IS ORDERED:

1. That any person desiring to protest this application shall file a notarized protest in conformance with Commission Rule No. 14 at the office of the Commission, 1828 L Street, N.W., Suite 703, Washington, DC 20036-5104, no later than Monday, January 28, 1991, and simultaneously shall serve a copy of such protest on Diplomat Limousine and Livery Service, Inc., 11405 Maryland Avenue East, Beltsville, MD 20705.


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4/ Diplomat's attention is called to the fact that, as a matter of law, temporary authority may be awarded for a maximum of 180 days.

5/ Applicant appears to have used an out-dated form. As a result neither a current statement of financial condition or a current operating statement were included with the application. Diplomat will be ordered to submit both.

2. That Diplomat Limousine and Livery Service, Inc., shall file with the Commission, no later than Monday, January 28, 1991, an original and four conformed copies of its most recent balance sheet, its most recent (12-month) operating statement, and a schedule of equipment revised as discussed in footnote No. 3.

FOR THE COMMISSION:

  
William H. McGilvery  
Executive Director